IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1983 of 1994

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? :

KALYANI GULABCHAND HUNDALDAS

Versus

STATE OF GUJARAT

Appearance:

MRS SHILPA J UNWALLA for Petitioner

MS HARSHA DEVANI, APP for Respondent No. 1

NOTICE NOT RECD BACK for Respondent No. 2, 4

NOTICE SERVED for Respondent No. 3

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 24/11/2000

ORAL JUDGEMENT

Learned advocate for the petitioner, Mrs.Shilpa J. Unwalla is not present. Learned APP for the respondent No.1-State, Ms.Harsha Devani is present.

2. Present petitioner-original complainant has preferred this Special Criminal Application against the order 3-11-1998 passed by the learned Addl. Sessions Judge, Mehsana in Criminal Revision Application No.20 of 1989 whereby he has directed the investigating officer to investigate further into the matter and submit the report within stipulated time.

3. The Court (Coram: A.N.Divecha, J., as he then was) while admitting the matter on 2-1-1995 passed the following order:

> "Leave to amend.
>
> Rule, returnable on 30-1-1995. Service of rule is waived by learned Additional Public Prosecutor, Shri Nigam Shukla for respondent Nos.1 and 2."

It is to be noted that further proceedings have not been stayed by the order dated 2-1-1995 by this Court and therefore, by this time further investigation must have been over. I have given three chances to the learned advocate for the petitioner, Mrs.Shilpa J. Unwalla to enquire into the matter and submit the report. However, till date, she has chosen not to appear in the Court and submit the report. Therefore, I have gone through the reasoned order dated 3-11-1988 passed by the learned Additional Sessions Judge, Mehsana in Criminal Revision Application No.20 of 1987. I do not find any illegality in the said order passed by the learned Additional Sessions Judge which warrants interference by this Court in this Special Criminal Application and hence, this petition is required to be rejected.

4. This Special Criminal Application is hereby rejected. Rule is discharged.

(R.P.DHOLAKIA,J.)

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